IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4326 OF 2005

Rajendra Gopalrao Girme
and Anr. .. Petitioners

Versus

The Tahsildar and Ors. .. Respondents

Mr.A.V.Anturkar i/b. Mrs.Vinita Bakre-Shastry
for petitioners
Mr.R.M.Patne, A.G.P. for State.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 12th January 2006.

P.C.

. Petitioner has admittedly filed appeal to

challenge the order passed by Tahsildar Malshiras and the said appeal is pending before S.D.O. Pandharpur. By this petition under Article 227 of Constitution of India, petitioner prays for a direction that the appeal be heard and till then coercive measures to enforce orders of Tahsildar should not be initiated by respondents.

2. When notice was directed to be issued by this Court on 5th July 2005, this Court recorded statement of petitioner's counsel that civil suit filed by the petitioner being C.S.No.87 of 2000 is withdrawn by petitioners and it was accordingly dismissed as withdrawn. Secondly, petitioners' application for stay of the coercive measures was considered and pending further orders, petitioners were directed to deposit a sum of Rs.60,000/- in this Court. Order of Tahsildar was stayed on this condition.

3. Mr.Anturkar for petitioners states that

the amount of Rs.60,000/- has been deposited in this Court. He, therefore, submits that now a direction be issued to decide the pending appeal as expeditiously as possible.

4. Mr.Patne, A.G.P. states that the S.D.O. Pandharpur would decide pending appeals within three months from today.

5. In the light of the above, following order:-

a) Registry is directed to transmit the amount of Rs.60,000/- (Rupes Sixty Thousand only) deposited by petitioners in this Court to Tahsildar Malshiras. However, the deposit shall be without prejudice to the rights and contentions of petitioners in pending appeal and would abide by the orders of appellate authority.

b) Appellate authority to dispose of the appeal on merits and in accordance with law within a period of three months from the date of receipt of copy of this order. All contentions on merits are expressly kept open. Needless to state that ad-interim stay granted by this Court to the order passed by Tahsildar, Malshiras would continue during pendency of the appeal and for a period of two weeks thereafter.

(S.C.DHARMADHIKARI, J)